

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KENNETH E. NOVAK,

Plaintiff,

v.

GORDON R. ENGLAND, Secretary of the  
U.S. Navy,

Defendant.

Case No. C05-5584FDB

ORDER REQUIRING MEDIATION

The parties advise the Court that they have engaged in informal mediation without success. The deadline for submitting a settlement report was May 30, 2007, which the parties missed. Meanwhile, Defendant has moved for dismissal or summary judgment, which motion will be ready for the Court's consideration on July 13, 2007. The parties request that the Court relieve them of any further mediation obligation.

While the parties may have engaged in informal settlement discussions, the report was not timely filed. Moreover, while the Court understands the parties positions on the matter as set forth in the stipulated motion, a mediator, may, nevertheless be helpful. ACCORDINGLY,

IT IS ORDERED: The Parties' Motion for an Order Relieving them of the obligation to participate further in mediation [Dkt. # 14] is DENIED. The parties shall mediate and file a report no later than July 20, 2007; the Court will defer decision on Defendant's motion to dismiss until the mediation report is filed.

DATED this 26<sup>th</sup> day of June, 2007.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE